

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AMERICAN INTERNATIONAL RECOVERY,)
et al.,)

Plaintiffs,)

vs.)

PILAR COSTA, *et al.*,)

Defendants.)

Case No. 2:07-cv-00123-JCM-PAL

ORDER

(Motion for Order to Show Cause - Dkt. #64)
(Unopp Motion Requesting Ruling - Dkt. #66)

Before the court is Plaintiffs' Motion for and Order to Show Cause for Contempt (Dkt. #64). Also before the court is Plaintiffs' Motion Requesting Ruling on Pending Motions (Dkt. #66). Plaintiffs seek an order requiring Defendant Randolph Jack Garrett to appear and show cause why he should not be held in contempt of court for failing to comply with orders of this court that he appear for a Judgement/Debtor examination.

Having reviewed and considered the matter, the court finds that:

1. In an Order (Dkt. #57) entered May 16, 2011, the court granted Plaintiffs' request that Randolph Jack Garrett appear at a Judgment/Debtor examination on June 23, 2011, at 10:00 a.m., at the law offices of Plaintiffs' counsel, 2300 W. Sahara Ave., Ste. 770, Las Vegas, NV. An affidavit of service submitted with the motion for an order to show cause indicates it was served on counsel of record for Mr. Garrett, Brian R. Hardy, of the law firm of Marquis, Aurbach and Coffing. At the time set for the Judgment/Debtor examination, Mr. Hardy was called when neither Mr. Garrett nor Mr. Hardy appeared for the Judgment/Debtor Examination. A transcript of the proceeding is attached as Exhibit "D" to the motion. Mr. Hardy indicated that he did not represent Mr. Garrett in this federal action. As a professional courtesy, he agreed to provide Mr. Garrett's contact

1 information to opposing counsel, and did so on the record of the notice of non-
2 appearance.

3 2. In an Order (Dkt. #60) entered July 7, 2011, the court entered an amended order granting
4 Plaintiffs' request that Defendant Randolph Jack Garrett appear for a Judgment/Debtor
5 examination on July 18, 2011, at 10:00 a.m., at the law offices of Plaintiff's counsel.
6 Mr. Garrett was served with a copy of the court's order at the address provided by Mr
7 Hardy. An affidavit of service of the process server is attached as Exhibit "F" to the
8 motion.

9 3. Mr. Garrett did not appear for his July 18, 2011 Judgment/Debtor examination as
10 ordered. Plaintiffs have attached the Reporter's Certificate of Nonappearance as Exhibit
11 "G" to the motion.

12 4. Counsel for Plaintiffs represents that he attempted to call Mr. Garrett at the number
13 provided by his counsel on July 18, 2011; however, the number was disconnected.

14 Based on the foregoing, and for good cause shown,

15 **IT IS ORDERED** that:

16 1. Defendant Randolph Jack Garrett shall appear on **November 15, 2011, at 9:00 a.m.**, in
17 Courtroom 3B at the Lloyd D. George United States Courthouse at 333 Las Vegas
18 Boulevard South, Las Vegas Nevada and show cause why he should not be held in
19 contempt of court for failing to obey this court's order and amended order for him to
20 appear at a Judgment/Debtor examination on June 23, 2011, and July 18, 2011.

21 2. Failure to appear at the hearing may result in a warrant for his arrest to be executed by
22 the United States Marshal Service.

23 3. Counsel for Plaintiff shall serve Mr. Garrett with a copy of this order no later than
24 fourteen days before the hearing, and file proof of service of the order on Mr. Garrett.


25 ///

26 ///

27 ///

28 ///

4. Plaintiffs' Motion Requesting Ruling on Pending Motions (Dkt. #66) is **GRANTED**.
Dated this 12th day of October, 2011.


Peggy A. Leen
United States Magistrate Judge